

MAR 28 2008 Application No. 10/509,471

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 21-43 are pending in the present application, with claims 21 and 43 being independent.

Drawings/Priority

Applicants respectfully request that the Examiner indicate in any subsequent office action whether the drawings have been accepted and whether copies of the certified copies of the priority documents have been received. See items 10 and 12 of the Office Action Summary.

Claim Rejections under 35 U.S.C. §112

The Examiner rejected claim 30 under 35 U.S.C. §112 as being indefinite. This rejection is respectfully traversed.

Applicants have amended claim 30 in an effort to clarify the claim. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §102

The Examiner rejected claims 21-26 and 33-41 under 35 U.S.C. §102(b), as being anticipated by Marius (DE 10123561). The Examiner also rejected independent claim 21 under 35 U.S.C. 102§(b) as being anticipated by Hawkes (WO 01/59,708). These rejections are respectfully traversed insofar as they pertain to the presently pending claims.

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Independent claim 21 is directed to a method for recognition of biometric data. In rejecting claim 21, the Examiner alleges that Marius teaches all of the features of independent claim 21. Applicant however, respectfully disagrees.

Applicant respectfully submits that Marius fails to teach or suggest at least the feature of "simultaneously acquiring a plurality of images of the object from at least two different imaging directions using optical scanning." In fact, Marius contains absolutely no teaching that that a plurality of images are acquired simultaneously from at least two different imaging directions.

Referring to paragraph 16 of the published application it is taught that "[t]wo images are understood to be simultaneous if they are acquired within a period of time of at most 0,1s so that a manipulation of the object by exchanging or altering can be excluded." Although Marius illustrates in, for example, Fig. 1 two cameras 2, 3, Marius, however, does not contain any teaching that these cameras acquire a plurality of images simultaneously. Therefore, Marius clearly fails to anticipate independent claim 21.

The Examiner also alleges that Hawkes anticipates independent claim 21. Hawkes, however, also fails to teach or suggest at least the feature of "simultaneously acquiring a plurality of images of the object from at least two different imaging directions using optical scanning."

The Examiner notes on page 15 of the outstanding Office Action that Hawkes supposedly teaches on page 3, line 25 the feature of "acquiring a plurality of optical images of an object" and on page 8, line 26 the feature that Figure 1a of Hawkes shows two optical cameras C1 and C2. However, Hawkes completely fails to teach that the

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optical cameras C1 and C2 acquire a plurality of images simultaneously. Therefore, Hawkes also fails to anticipate independent claim 21.

Regarding apparatus claim 35, Applicant respectfully submits that Marius fails to teach or suggest the feature of "at least one illumination device configured to emit at least one of a visible and an infrared light."

The Examiner alleges that this feature is taught by Marius and references Figure 1C, reference 4. Reference 4 in Marius is a light source, however, Marius contains absolutely no teaching that the light source 4 is configured to emit visible and infrared light, as recited in claim 25. One skilled in the art appreciates that infrared light is the part of the invisible spectrum that is contiguous to the red end of the visible spectrum and that comprises electromagnetic radiation of wavelengths from 800 nm to 1 mm. Thus, Marius also fails to teach or suggest at least this feature.

Dependent claims 22-26 and 33-41 should be considered allowable at least for depending from an allowable base claim.

Accordingly, withdrawal of the rejections is respectfully requested.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected: claim 27 under 35 U.S.C. §103, as being unpatentable over Marius in view of Bolle et al. (US 2004/0042642); and claims 28-32 under 35 U.S.C. §103, as being unpatentable over Marius in view of Einighammer et al. (US 2006/005661). These rejections are respectfully traversed.

Although Applicant has not identified every deficiency of the cited art, Applicant respectfully submits that claims 27-32 and new claim 42 should be considered allowable

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at least for depending from an allowable base claim. Accordingly, withdrawal of the rejections is respectfully requested.

Lastly, new independent claim 43 should be considered allowable at least because the cited art fails to teach or suggest the combination of features cited therein, including that "a first wavelength is 678 nm and a second wavelength ranges from 808 nm to 835 nm, the first wavelength representing light to acquire at least one of the plurality of images and the second wavelength representing light to acquire at least one other of the plurality of images."

CONCLUSION

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Martin R. Geissler, Applicants' Attorney at 1.703.621.7140 so that such issues may be resolved as expeditiously as possible.


For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3828 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: March 28, 2008

Respectfully Submitted,



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